

# SHAW, PITTMAN, POTTS & TROWBRIDGE

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March 23, 1995

By Federal Express

William D. Steuteville, OSC  
U.S. Environmental Protection Agency  
Western Response Section (3HW32)  
Region III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

Re: Rogers Electric Site (Cheverly, Maryland)

Dear Mr. Steuteville:

This letter is in response to a notice of potential liability dated March 9, 1995 from the U.S. Environmental Protection Agency (EPA) under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The notice advises Blake Construction Co., Inc. (Blake) of a release or threat of release of polychlorinated biphenyls (PCBs) at the above-referenced site. Blake has requested that I respond to EPA's letter on its behalf. Please direct all further communications concerning this matter to me.

Background. From August 1983 to early 1990, Blake leased a parcel of industrial property on Columbia Park Drive in Cheverly, Maryland to Rogers Electric Company which, without Blake's knowledge or consent and in violation of its lease, released PCBs to surficial soils. Together with the Defense Logistics Agency (DLA), Blake conducted a remediation of the property pursuant to an administrative consent order with Region III. Remediation began in 1992 and was completed in the Spring of 1993.

As documented in the final report submitted by Blake to EPA in March, 1993, the remediation was effective and all on-site and off-site soils were verified as free of PCB contamination. Sampling conducted along the fenceline of the property adjacent to the Beaverdam Creek and samples taken from Creek sediments showed no significant PCB

contamination. In June, 1993 Blake received a letter from EPA expressing appreciation for Blake's "cooperation in conducting the work" and agreeing that all requirements of the consent order have been satisfactorily completed. This letter was consistent with correspondence Blake received from the Maryland Department of Environment (MDE) dated March, 1993 in which MDE recommended the site for "no further action." MDE's hazard ranking score for the site was very low, in part, because the Agency acknowledged the lack of any receptors that would be exposed to PCBs from groundwater, surface water, soil and air pathways.

EPA's Sampling. In light of Blake's thorough remediation and the "no further action" determination by both state and federal regulators, Blake was surprised that one soil sample apparently taken on-site by an EPA contractor in October, 1994 contained elevated levels of PCBs and that EPA has proposed additional action. The level detected in the single soil sample (estimated at 2000 parts per million (ppm) in CQS11) is considerably higher than any PCB contamination detected by Blake during its remediation of soils at the site.

The sample result is anomalous and is likely due to the very high dilution (1000 to 10,000) conducted during analysis of that sample. While EPA's contractor has acknowledged that the reported value for the sample may not be accurate or precise, the value may in fact be too high by several orders of magnitude. And while 3.6 ppm of PCBs was also detected in sample CQS10 (also on the Blake property) this sample too was diluted by a factor of 10. It appears likely that the process of dilution is skewing the reported values upwards. To better assess the significance of the data, Blake requests that EPA forward to it as soon as possible all information regarding these two samples, including data reflecting the undiluted results for the samples. Blake also requests the GC/MS results for Aroclor- 1260 for each of the two samples. This information will help Blake assess whether PCB contamination is in fact present at levels generally requiring further action.

Voluntary Cleanup. Blake will evaluate the information you supply as soon as possible. Notwithstanding its concerns about the validity of the sampling conducted on the Blake property, Blake also agrees to take a second look at the area in which the PCBs were detected during EPA's 1994 sampling. To help us within this investigation, we request that EPA provide a map of all sample locations. In conducting this investigation, Blake agrees that, as you represented in your February 28, 1995 letter to Mr. Chester White of Blake, the objective of all activities should be to respond quickly, cost-effectively and with minimal administrative and transactional effort and cost.



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As with its prior work, Blake intends to use R.E. Wright Environmental, Inc. (R.E. Wright) as its general contractor. (See attached letter from Mr. Tim Gardner of R. E. Wright). As a first step, Blake proposes to conduct sampling in the area where EPA detected the PCB contamination. In the event that PCB contamination is detected above generally-accepted clean-up levels, Blake will conduct an investigation to delineate the extent of contamination and, if necessary and appropriate, perform a remediation.

We will begin our confirmatory sampling as soon as we receive the 1994 sampling locations from EPA. We request that you supply not only the sampling locations on the Blake property, but the locations and sampling data for all seventy-one (71) soil samples taken by EPA near the Beaverdam Creek and its tributaries. This data will help Blake put the results from samples CQS10 and CQS11 in context and also help Blake determine whether the PCBs detected on the Blake property may have migrated from another source.

Blake agrees to begin work no later than April 15, 1995 as proposed in your letter. However, in light of the April 15, 1995 start-up date and July 15, 1995 completion date, Blake may experience difficulty in providing the requisite two weeks advance notice of all field work. We will, however, give EPA reasonable notice of all activities. To ensure that its work is acceptable to EPA (so that Blake will not be required to repeat any field work at a later date), Blake intends to provide advance notice of the work and to discuss the progress of the work with you as it proceeds. We also agree, as you requested in your letter, to provide reasonable access to EPA and MDE officials so that they can perform oversight of field activities.

Conclusion. Given EPA's insistence that our voluntary activities begin no later than April 15, 1995, Blake requests that you provide as soon as possible any and all sampling data EPA has generated in connection with its 1994 sampling, together with all sampling locations (particularly the location of samples CQS10 and CQS11), and any other information relating to PCB contamination on the Blake property and the Beaverdam Creek vicinity. This information will help us focus our own investigation.

In agreeing to conduct the activities summarized above, Blake does not agree that it has any liability under state or federal law for the release at issue or that EPA is authorized to conduct a remedial or removal action under CERCLA and recover response costs from Blake. Blake also does not agree that EPA is entitled to recover any costs it has incurred to date or any costs it may incur in performing oversight activities at the site.

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Please call me at 202-663-8254 if you have any questions or concerns about the above.

Sincerely,



John F. Seymour

cc: Chester White, Blake Construction Company, Inc.  
Tom Gardner, R.E. Wright Environmental  
Margaret Cardamone, Esq., US EPA Region III

145872



An **SAIC** company

## r.e. wright environmental, inc.

March 22, 1995

Mr. J.C. White, V.P.  
Blake Construction Co., Inc.  
1150 Connecticut Ave., NW  
Washington, DC 20036-4104

Re: Rogers Electric Company Site  
Columbia Park Drive, Cheverly, Maryland

Dear Mr. White:

I am in receipt of a copy of the letter dated March 9, 1995 that was sent to you by Mr. Abraham Ferdas of the Environmental Protection Agency's (EPA's) Region III Office regarding the notice of potential liability for the referenced site. I have read the letter and understand the stated requirements.

R. E. Wright Environmental Inc. (REWEI) understands that Blake Construction Co., Inc. (Blake) desires to exercise the opportunity to conduct voluntary cleanup at the site. We further understand that you would like REWEI to assist in that effort by providing a work plan and the materials, labor and equipment to perform sampling and analyses to determine the extent of potential polychlorinated biphenyl (PCB) contamination at the site. The results of the sampling and analyses efforts will be used to determine the extent of excavation and disposal necessary to effect site cleanup. The need for, and extent of the cleanup will be defined where PCBs exist at concentrations greater than 10 parts per million (10 ppm). REWEI will provide the excavation, transportation and disposal of contaminated material as necessary to complete the cleanup. As required in the referenced letter, all work will be conducted in conformance with applicable Federal, State and local laws.

You may use this letter to affirm to EPA that Blake intends to carry out the voluntary cleanup according to their stated time frame. REWEI stands ready to assist Blake with this project, and will endeavor to use cost effective and efficient means to conduct the work.



Mr. J.C. White

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I will be in touch with you in the next several days to formalize our agreement and initiate the project. If you need further information or have questions regarding this letter, don't hesitate to call me at (410) 876-0280.

Sincerely,

R. E. WRIGHT ENVIRONMENTAL, INC.

A handwritten signature in black ink, appearing to read "Timothy N. Gardner". The signature is fluid and cursive, with the first name "Timothy" being more prominent.

Timothy N. Gardner  
Project Manager

TNG:aea

cc: Steve Hughes

Admin@lake

r.e. wright environmental, inc.